

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

IN RE: OHIO EXECUTION
PROTOCOL LITIGATION

: Case No. 2:11-cv-1016

District Judge Edmund A. Sargus, Jr.
: Magistrate Judge Michael R. Merz

This document relates to:
Plaintiff Kenneth Smith

:

**ORDER SUSPENDING DUTY TO COMPLY WITH SUBPOENA
PENDING FURTHER COURT ORDER**

This consolidated § 1983 method of execution case is before the Court on Motion of the Butler County Department of Job and Family Services to Quash the Subpoena Duces Tecum served on it by Allen Bohnert of the Capital Habeas Unit of the Federal Defender Office for this District for records which may relate to a Plaintiff in this case, Kenneth W. Smith (ECF No. 3846). The subpoena is returnable February 14, 2023. *Id.* at PageID 168802.

The Motion raises serious questions about the discovery of the sought documents which the Court must resolve. Accordingly, the Movant's obligation to respond to the subpoena is SUSPENDED pending further order of the Court.

Under S. D. Ohio Civ. R. 7.2, Plaintiff's deadline for responding to the Motion to Quash is February 17, 2023, and Movant's deadline for filing a reply memorandum in support is fourteen days after a response is filed.

This complex litigation has acquired a large record. Before making additional filings, Movant's counsel should acquaint himself with the Local Rules of this Court,

particularly those relating to citations to the record.

January 30, 2023.

s/ *Michael R. Merz*
United States Magistrate Judge